

Showers Late Tonight or
Wednesday; Warmer.

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Sixteen Pages

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REBELS CAPTURE JUAREZ AFTER DESPERATE BATTLE

MAIL CLERKS' DISCHARGE DUE TO UNION WORK

Second Assistant Postmaster General So Tells Committee.

STEWART CONCLUDES HIS SIDE OF THE CASE

President Nelson, of Postal Clerks' Federation, Tells of His Dismissal.

Admitting that clerks have been discharged from the railway mail service simply because they were active in promoting organization of a postal clerks' union, Second Assistant Postmaster General Stewart today concluded his defense of the department before the House Committee on Reform in the Civil Service, which is considering the Lloyd "unionization" bill.

Oscar F. Nelson, president of the National Federation of Postoffice Clerks, followed Stewart on the stand, in favor of the bill.

Representative Kendall asked Stewart as he closed his testimony why Postal Clerks Duff and Van Dyke, of St. Paul, had been removed for "pernicious activity."

"They were discharged," said Stewart, "because of their pernicious activity in promoting this new union organization. The organization had had quarters in St. Paul, and they were, I believe, officials of the proposed union."

"Were they good clerks?" asked Kendall.

"Oh, yes; they were good, efficient men," returned Stewart. "The only reason for the dismissal was their pernicious activity in the face of plain orders of the Postmaster General and the other officials which they persistently violated. It was a case of plain insubordination."

Nelson in opening his testimony quoted from newspaper interviews with then Postmaster General Cortelyou and First Assistant Hitchcock, at the time the Federation of Postoffice Clerks was organized, in which both admitted that the "Postoffice employees can form all the unions they want." He then related in detail the circumstances of his own dismissal from the postal service in Chicago, because of his work in the interests of better conditions for clerks.

Working for Good.

"I was then president of the Chicago Postal Clerks' Union," said Nelson, "and for months we had been working to remedy the notoriously unsanitary conditions in the Chicago postoffice. All through the summer of 1909 we did everything in our power, under the Roosevelt 'gag-rule' to get the department to remedy conditions."

"The men were working ten hours a night under what the Chicago commission on occupational diseases declared were the 'worst conditions in the city.' During the time from June to October four men in the mailing division, in our union, died of tuberculosis because of the working conditions. I worked steadily from early in June until October before securing the appointment of 120 additional clerks to relieve the tension. This was under the Hitchcock retrenchment policy."

"The next June I was served with charges by inspectors. They alleged that I was violating the gag-rule by trying to influence legislation. I had never been in Washington, and had never talked to a member of Congress about postal matters. They also charged me with furnishing information to the newspapers. After filing an answer to the charges, I received notice that I had been promoted and advanced from the \$1,100 to the \$1,200 grade."

Dismissal Soon Follows.

"This was not automatic advancement, but under the efficiency scheme. Two weeks later I was dismissed."

Nelson declared that clerks found it impossible to secure action on complaints regarding working conditions. He related a number of cases in the Chicago office of clerks dying and becoming ill.

"Why men were becoming sick and dying right along," he exclaimed, "The place was notoriously insanitary and unventilated. We did not get any additional clerks until a month after the Chicago Federation of Labor passed a resolution petitioning the Postmaster General for relief."

Nelson will continue his testimony tomorrow.

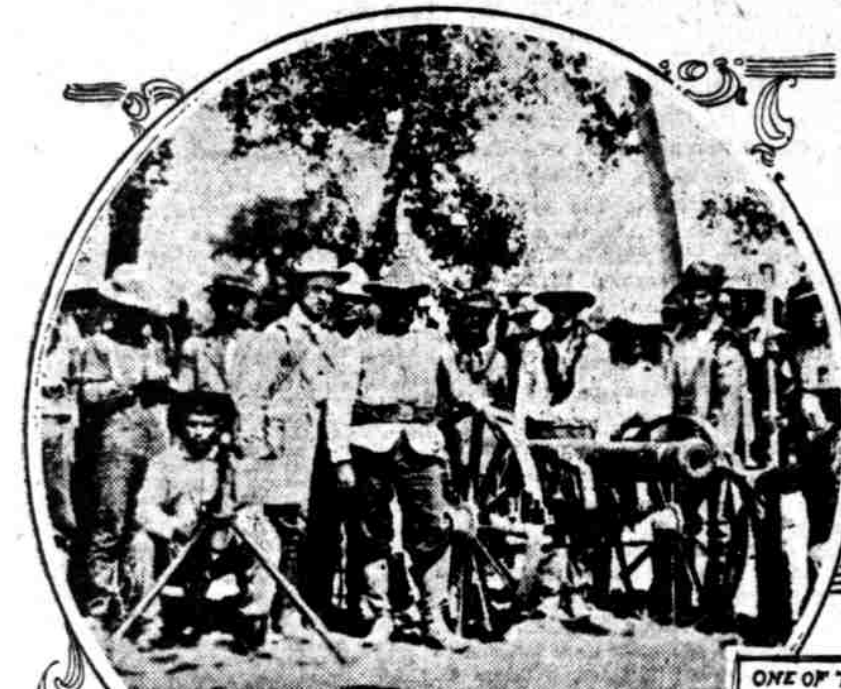
WEATHER REPORT.

FORECAST FOR THE DISTRICT.
Cloudy with probable showers late tonight or Wednesday; slightly warmer tonight; light variable winds.

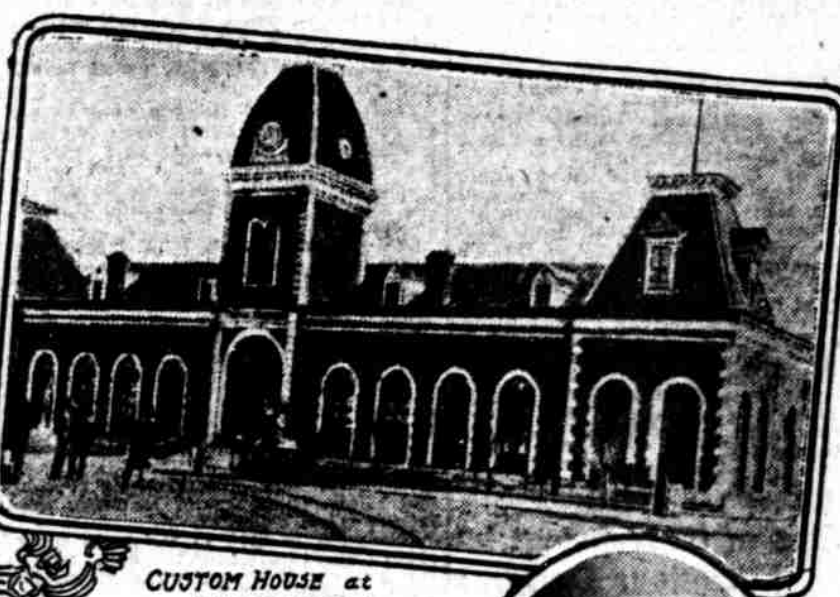
TEMPERATURES.
5 a. m. 54 12 noon 62 47
8 a. m. 57 3 p. m. 65 62
10 a. m. 61 6 p. m. 63 63
11 a. m. 65 2 p. m. 68 64

TIDE TABLE.
Today—High tide, 5:22 a. m., 6:06 p. m.; low tide, 12:32 a. m., 12:50 p. m.
Tomorrow—High tide, 6:06 a. m., 6:48 p. m.; low tide, 1:15 a. m., 12:50 p. m.

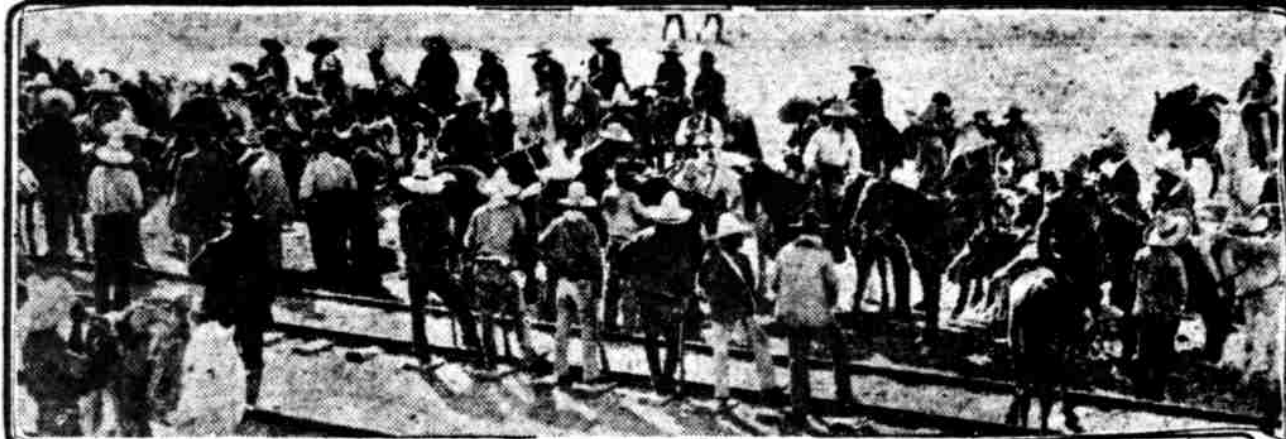
SUN TABLE.
Sun rises 4:51 Sun sets 7:02



OROZCO'S FIGHTERS



CUSTOM HOUSE at JUAREZ, MEXICO.



ONE OF THE TWO FIELD PIECES MADE BY THE INSURGENTS

DECISION AWARDS INDIAN CHILDREN MILLIONS IN LAND

Justice Stafford Sustains Constitutionality of Congress Resolution.

Interest of 5,000 Indian children of the Cherokee Nation in surplus property of the tribe worth about \$5,000,000 is declared valid in a decision today by Justice Stafford, of the District Supreme Court, sustaining the Department of the Interior in its enrollment of these tribal citizens.

Justice Stafford, in his decision, sustains the constitutionality of a joint resolution of Congress of April 26, 1906, providing for enrollment of Cherokee children born since 1902. He says the court dismisses the injunction suit filed by the test case for 35,000 members of the tribe, who denied participation of the infant children in a surplus of the nation's property.

Since the new law was enacted in 1906, former Secretary Ballinger ordered enrollment of newborn children of the tribe and apportioned them property amounting to from \$1,000 to \$5,000 each.

Levi H. Gritts, a Cherokee, brought a test suit against the Government, attacking the constitutionality of the law. Justice Stafford, in dismissing the test suit and quashing a temporary injunction, says the original 35,000 members of the tribe did not acquire vested interest in undistributed property, to exclude children born since 1902. He says each of these children may share in the surplus lands, claimed by the original children.

The original allotments of 110 acres of land in the Indian Territory to each of the original 35,000 Cherokees are not affected by the decision, but the 5,200 Cherokee children born since the allotment of 1902 may obtain 110 acres each, or money from the Treasury worth twice the amount of the land.

There are now 40,000 acres of unallotted land belonging to the Cherokee Nation awaiting apportionment among the new-born children who are beneficiaries under Justice Stafford's decision. When this land is allotted, any surplus remaining can be divided between the original 35,000 members and the 5,200 children.

Former Assistant Attorney General Oscar Lawler, who resigned following the end of the Ballinger regime in the Department of the Interior, represented Secretary Ballinger in the suit, said to be one of the most important in many years affecting the Cherokee and other Indian tribes. Assistant United States District Attorney Reginald Hudekoper appeared in the litigation for the Treasury Department.

IN CONGRESS TODAY

SENATE.
The Senate met today at 2 o'clock. Senate Finance Committee continued hearings on reciprocity agreement. Big delegation coming from Buffalo and other cities Thursday to fight for reciprocity.

HOUSE.
The House passed a resolution ordering an investigation of the Sugar trust.

A resolution was approved demanding to know the cause of the delay in the construction of the new building for the Bureau of Printing and Engraving.

Secretary Meyer was directed to report whether any one firm has a monopoly in furnishing the shoes for the navy.

The House took up the Floyd bill abolishing various House jobs in accordance with the instructions of the Democratic caucus.



GROUP OF INSURGENT SHARP SHOOTERS

RIFLE ASSOCIATION NOW IS COMPLETE; TOURNAMENT SOON

Students' Organization Elects Officers—Wood Honorary President.

The Interscholastic Rifle Association of the District was perfected in organization today when Maj. Gen. Leonard Wood formally accepted the position of honorary president. Other honorary officers of the organization who today sent acceptance to S. E. Kramer, superintendent of intermediate instruction in the Washington public schools, are:

Superintendent of Schools A. T. Stuart, first vice president; Col. Burton R. Ross, D.C.N.G., second vice president. Officers were elected as follows: President, Lieut. W. B. Hudson, D.C. N.G., director of athletics in the public schools; vice president, Joseph Wilson, of McKinley Manual Training School, and secretary-treasurer, Dr. Wilbur M. Phelps, of Central High School.

The new association completed plans today through Lieut. Albert S. Jones, secretary of the National Rifle Association of America, to take over all the details of the work of the parent organization in the promotion of rifle shooting among the public and private preparatory institutions of Washington. It also is planned to arrange a tournament and to raise funds for the purchase of trophies and the training and selection of teams to compete in interstate and national competitions.

The new association will have its first tournament this week. It will be held on the evenings of Thursday, Friday, and Saturday, May 11, 12, and 13, at the National Guard Armory. Many prizes have been offered by local business men.

Wilmington Theater Is Gutted by Flames

WILMINGTON, Del., May 9.—Fire early this morning gutted the Lyric Theater, and damaged adjoining properties, entailing a loss of about \$75,000. The theater was a vaudeville and moving picture house, and did a big business.

Mrs. William Benner, wife of the lessee of the theater, and Gertrude Ward, housekeeper for the Benners, were carried down ladders by firemen from third-story windows. John and Daniel Mullin, actors, were assisted down the same ladder to the street.

B. R. Jones, upholsterer, Ph. M. 6315. —Adv.

ANNAPOLIS CASE TO COURT OF APPEALS FOR ITS ACTION

Trial of Woman Manager of Carvel Hall Comes to Halt.

ANNAPOLIS, Md., May 9.—After Miss Elizabeth Jessup, manager of Carvel Hall, the fashionable hotel of Annapolis, had been found guilty this morning on an additional charge of selling liquor to midshipmen, the case came to a halt so that questions involved could be carried to the court of appeals for its action.

In one of the cases Miss Jessup was fined \$100 and costs and \$50 and costs in each of two others. Sentence in the fourth case was reserved. In four more cases, the trial was postponed until after the action of the court of appeals.

The following were admitted as midshipmen today: Arthur Landis, North Carolina; David McL. Collins, Massachusetts; Thomas M. Luby, at large; Archer E. King, Jr., Virginia; William M. Snelling, Georgia; W. J. Cooper, Ohio.

Straight Pension Bill For Clerks Is Offered

A bill providing for the retirement of superannuated Government employees on a straight civil pension was introduced in the House this afternoon by Representative Hamill of New Jersey. He declares other countries have been retiring their aged employees under this plan for many years, and that the great pension system is now recognized by the leading industrial corporations of the United States.

The Hamill bill requires no contribution on the part of the clerk, but stipulates that when an employee of the Government reaches the age of sixty he may be retired on an annual pension averaging one-half of the salary drawn yearly by the clerk for the preceding five years.

It states that twenty-two railroads of the country are maintaining similar pension funds with cost to the employees.

WHITE HOUSE CALLERS.

SENATORS.
Brown, Neb. Foster, La.
Kenyon, Iowa. Guggenheim, Col.
Pomeroy, Ohio.

REPRESENTATIVES.
Tin, Tenn. Olmsted, Pa.
OTHER CALLERS.
Director Roberts, of the Mint.

FARMERS, REPULSED BY TAFT, RETURN TO ATTACK ON SENATE

Grangers, Aided by Bailey, Have Lively Session in Finance Committee.

The Senate Finance Committee hearing on the reciprocity agreement today was again marked by strenuous protests from farmers through representatives of the Grange. The cool reception they received at the White House last night, when the President practically served notice on them that he would not be swayed by political considerations in this matter, did not deter them from assaults on the Finance Committee.

The proceedings were enlivened by interesting diversions on Massachusetts politics and by observations by Senator Bailey, who is a member of the committee. He practically charged there was a conspiracy to rob the farmer of protection and at the same time leave the duties on everything he buys.

Charges Plot.

"I am convinced," said Senator Bailey, "there is a deliberate and systematic propaganda to take the duty off of everything that the farmer sells to the city folks, and still leave a duty on everything the city folks sell to the farmer."

This sentiment was greeted with a round of applause from the members of the Grange assembled in the committee room.

It was in the course of an argument against the agreement by Charles M. Gardner, of Massachusetts, master of the State Grange there, that Senator Bailey made this declaration. He asked Mr. Gardner if the great duty of the country had not entered into a crusade to take the duty off of everything bought by the city folks, and to keep the duty on things that were manufactured.

Yes sir, including removal of the duty on print paper," said Mr. Gardner. This brought applause from the Grange members.

Senator Smoot asked if sentiment in Massachusetts had changed since the election last fall. Senator Smoot referred to the election of Governor Foss on the reciprocity issue.

Mr. Gardner maintained that Foss was elected on account of a lot of local conditions and complications.

Senator Bailey was puzzled to know how it was, if there was not strong sentiment for reciprocity, the State elected a Democratic governor and at the same time elected Mr. Lodge, a Republican Senator, who was for reciprocity. Mr. Gardner reminded him that the legislature and the State officials generally were Republican.

"There wasn't a direct vote on Senator, as there was on governor, or the result might have been somewhat different," suggested Senator La Follette.

This pleased the members of the Grange, and they broke out into applause, while some of the regular Republican Senators scowled and looked hard at publications on the tariff conducted by the Grange.

Senator La Follette wanted to know if Foss didn't make his campaign more on the Payne-Aldrich bill than on reciprocity.

"I am forced to say," said Mr. Gardner, "that he made it on a wonderful variety of issues."

"And one of these was free food products, just what you don't want," observed Senator McCumber. "And yet you elected him."

"And that's why these Republicans want to punish you," said Senator Bailey.

Throughout the speeches there ran an on yesterday the same note of warning that if the farmers were to have the duties taken from their products they would insist on removal of the duties on the things they bought.

NUMBER OF DEAD AND WOUNDED IS REPORTED LARGE

Insurgents Are Attacking At Other Points With Serious Results to the Federal Troops.

TIA JUANA FALLS UNDER FIERCE ASSAULT OF REBEL SOLDIERS

EL PASO, May 9.—After a series of desperate battles in the streets of Juarez, in which the casualties are reported to have been enormous, the troops of Gen. Francisco I. Madero were practically in control of that city at 8 o'clock this morning.

At that hour the insurgent sharpshooters had picked off nearly all the gunners manning the federal machine guns and cannon, and the guns had been silenced.

With the silencing of his guns, Navarro practically abandoned the city, according to reports reaching here.

Virtually all of his cavalry rode out toward Ranchos Flores, twelve miles from Juarez, and the only federal troops left there were a few companies of infantry. These continued a desperate but unequal fight against the insurgent invaders, behind the heavy barricades that had been thrown up by Navarro in the main thoroughfares of the town.

Desultory firing was kept up all night, but the real battle began about daylight, when the rebels began to close in on the city.

Shortly after the fighting began today, Mrs. Josefa Garcia and her young sons were wounded by stray bullets in this city. When the latest shooting was reported, the United States troops on duty along the river front were ordered to clear everybody out of the territory for three blocks back from the river.

It is reported that Captain Linderfelt, who was in command of the troops who attacked the bull ring last night, has been killed. Insurrecto re-enforcements are reported to be en route here from the state of Ojinaga. The federals are also anticipating the arrival of re-enforcements.

Both forces kept up a terrific fire at very close range, and bullets sang over the city.

It is reported that fifty have already been killed, and many wounded. Early today five federal soldiers dashed across the American line and surrendered to Captain Wilcox, of the Thirtieth United States Infantry.

The casualties inside the United States since the beginning of the Juarez attack are as follows:

Killed:
VINCENTE PASEDES, bartender, killed instantly at Fifth and El Paso streets.

A man believed to be R. H. FERGUSON, Troop F, Third United States Cavalry, San Francisco.

W. D. CHANDLER, cattleman, Duncan, Ariz., shot through heart.

ANTONIO GARCIA, El Paso.

Wounded in El Paso:
Mrs. Joe Morehead, shot through arm and body.

Edmond Heaton, shot through leg.

Louis Villalobos, El Paso, shot through leg.

Mrs. Macedonia Garcia, Ninth street, struck in shoulder.

G. W. Smith, shot in body.

It is known that there are at least twelve dead in Juarez, and the death list is reported as high as fifty.

One command of insurrectos is reported annihilated near "Peace Grove" by federal sharpshooter.

Insurgents Attack Durango and San Luis, Is Latest Dispatch

GUADALAJARA, May 9.—It is reported that Luis Moya, with 500 men, is attacking Durango and San Luis. Another force of insurgents is also reported operating against Sombretete, state of Zacatecas.

Tia Juana Captured By Mexican Rebels After Fierce Battle

SAN DIEGO, Cal., May 9.—The insurgents captured Tia Juana, Mexico, just across the border, at 8 a. m. today. The attack on Tia Juana was renewed just before daybreak this morning, and at 7 o'clock fierce fighting was proceeding in the bull ring, with the rebels occupying the southwest corner and the federals the northeast.

Soon after the firing commenced wounded rebels began to come across the border, and to surrender to the United States troops. One of the first was Henry King, of Mobile, who was wounded in the arm and weak from the loss of blood. E. L. Collins, of Springfield, Mass., wounded in both arms and James Dunne also came across.

A Frenchman named "Blackie," wounded in the groin, staggered across the line and fell over dead as the United States troops came up to take him into custody. Surgeons who have examined the wounded of the rebels, insist that the Mexican fed-

Intervention Up To Congress; Government Attitude Unchanged

While the Cabinet sat for three hours today and reviewed every detail of the revolutionary developments in Mexico, there was no change in the attitude of this Government toward the situation. It takes the responsibility for the prolonged war, which may ensue, there will be intervention. Otherwise there will not be.

President Taft is deeply concerned over the seriousness of the border fighting and over the killing of American citizens in El Paso, but he still feels that he would not be justified in ordering the American troops to drive the belligerents from the line.

Cabinet Gets Dispatches.

All the official and unofficial dispatches on the situation received at the War and State Departments, and at the White House, were laid before the Cabinet. At the same time, the statement issued by the Mexican embassy this morning denying that the revolutionists were threatening Mexico City, was read.

None of these moved the Administration to do more than renew the warning issued at El Paso to the citizens of that place, to stay away from the firing zone. This warning and the order issued to Colonel Steever to maintain a neutrality law by the use of all his resources, if necessary, constitute the sole action of the Administration in the present crisis.

Reports began "triving at the War Department this morning from El Paso, detailing to some extent the course of yesterday's fighting. It was not until late in the day that any suggestion came through official channels that the battle had been renewed this morning and that Juarez was likely to fall before the day ends.

These dispatches were supplemented

(Continued on Second Page.)

(Continued on Second Page.)